

Serial No. 10/607,899

REMARKS

This amendment is responsive to the Official Action dated February 24, 2005.

Claims 1-26 were pending in the application.

Claims 1-26 were subjected to a restriction requirement.

The Examiner divided the invention into separate species disclosed as follows:

Fig. 1 drawn to a VCSEL substrate with a rough bottom surface;

Fig. 2 drawn to a VCSEL substrate with a rough bottom surface and an angle selective filter disposed between the bottom surface and the photodetector;

Fig. 3 drawn to a VCSEL substrate with an angle selective filter mounted on a substrate that is in turn mounted to the bottom surface; and

Fig. 4 drawn to a VCSEL substrate having a polished bottom surface and an anti-reflective coating applied.

The Applicant hereby elects, without traverse, to prosecute the species as disclosed in Fig. 2 of the application.

Applicant submits that Figs. 2 and 3 are substantially similar in that they both disclose the use of a angle selective filter. However, Figs. 2 and 3 may be patentably distinct because of the surrounding structure to support the filter.

The Examiner indicated that no claims were generic.

Claims 1-16 are drawn to the embodiments shown in Figs. 2 and 3.

Claims 17-26 are drawn to the embodiment shown in Fig. 4.

Responsive to the restriction requirement, claims 17-26 have been canceled subject to reconsideration upon the allowance of a generic claim.

Further responsive to the restriction requirement, Applicant has added new claims 27-42.

Claim 27 is currently generic to all disclosed species.

Accordingly, claims 1-16 and 27-42 are currently pending.

The application is now believed to be in proper form for favorable consideration on the merits.

Corresponding action is respectfully solicited.

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PTO is authorized to charge any additional fees incurred as a result of the filing hereof or credit any overpayment to our account #02-0900.

Respectfully submitted,



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